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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EUGENE DIGIOVACCHINO,

Plaintiff,

v.

**ASSOCIATED PIPE LINE, INC.,
ASSOCIATED PIPE LINE
CONTRACTORS, INC., CHARLES
BEDDINGFIELD and BRAD SUNDLING,**

Defendants.

Civil Action

CASE NO. TBD

(Document electronically filed)

**NOTICE OF REMOVAL OF STATE
COURT ACTION TO UNITED STATES
DISTRICT COURT**

PLEASE TAKE NOTICE that Defendants, Associated Pipe Line, Inc., Associated Pipe Line Contractors, Inc., Charles Beddingfield and Brad Sundling (“DEFENDANTS”), through their undersigned counsel, hereby file this Notice of Removal pursuant to 28 U.S.C. § 1446.

DEFENDANTS hereby remove to the Federal District Court for the District of New Jersey all claims and causes of action in the civil action entitled Eugene DiGiovacchino v. Associated Pipe Line, Inc., et al., Docket No. GLO-L-650-16, now pending in the Superior Court of New Jersey, Law Division, Gloucester County (the “State Court Action”).

The grounds for removal are the following:

1. Process in the above-referenced action was served on DEFENDANTS on June 1, 2016. A copy of the Plaintiff's Complaint, filed on May 17, 2016, setting forth the claims for relief upon which the action is based, was first received by DEFENDANTS on June 1, 2016.

2. DEFENDANTS file this Notice of Removal within the time required by law, pursuant to 28 U.S.C. § 1446.

3. Defendant, Associated Pipe Line, Inc. is now, and was at the time the State Court Action was commenced, a corporation incorporated under the laws of the State of Texas, with a principal place of business at 3535 Briarpark Drive, Suite 135, Houston, Texas 77042.

4. Defendant, Associated Pipe Line Contractors, Inc. is now, and was at the time the State Court Action was commenced, a corporation incorporated under the laws of the State of Delaware, with a principal place of business at 3535 Briarpark Drive, Suite 135, Houston, Texas 77042.

5. Defendant, Charles Beddingfield is now, and was at the time the State Court Action was commenced, a citizen of Texas, with a domicile at 251 Jones Road, Kerrville, Texas 78028.

6. Defendant, Brad Sundling is now, and was at the time the State Court Action was commenced, a citizen of Texas, with a domicile at 245 Rainbow Drive, No. 14584, Livingston, Texas 77399.

7. The Plaintiff, Eugene DiGiovacchino ("DIGIOVACCHINO") is now, and was at the time the State Court Action was commenced, a citizen of New Jersey, with a domicile at 820 Spruce Street, Paulsboro, NJ 08066.

8. The matter in controversy exceeds \$75,000.00.

9. The Complaint sets forth three (3) causes of action arising from the employment relationship between DIGIOVACCHINO and DEFENDANTS: two common law wrongful discharge claims under Pierce v. Orth Pharmaceutical Corp., 84 N.J. 58 (1980) and a discrimination and/or retaliation claim under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -42.

10. The District Court has subject matter jurisdiction over the State Court Action and the claims and causes of action asserted therein pursuant to 28 U.S.C. § 1332, in that the amount in controversy exceeds \$75,000 and the parties are citizens of different States.

11. DEFENDANTS unanimously consent to removal of the State Court Action to the Federal District Court for the District of New Jersey.

12. Plaintiff has demanded a jury trial in the State Court Action.

13. DEFENDANTS expressly reserve the right to raise all defenses and objections to the State Court Action after it is removed to the District Court.

14. In accordance with 28 U.S.C. § 1446(a) and Local Rule. 7.1, copies of all process and pleadings in the State Court Action are attached hereto and incorporated by reference.

15. DEFENDANTS have provided written notice of this Notice of Removal to counsel of record for all parties. A true and complete copy of this Notice of Removal will be filed in the State Court Action immediately hereafter.

FOX ROTHSCHILD, LLP



By: _____

NATHAN M. BUCHTER

Dated: July 1, 2016

CERTIFICATE OF SERVICE

I hereby certify that the original and one (1) copy of the within Notice of Removal of State Court Action to United States District Court was filed on July 1, 2016, *via ECF*, with the United States District Court for the District of New Jersey, Camden Courthouse. I also hereby certify that a copy of the within Notice was served on this date, July 1, 2016, *via FEDEX and regular*, to the Plaintiff's counsel, Ari R. Karpf, Esquire, KARPf, KARPf & CERUTTI, P.C., 3331 Street Road, Two Greenwood Square, Suite 128, Bensalem, PA 19020.

I further certify that a copy of the within Notice will be filed, *via hand-delivery*, with the Clerk of the Superior Court of New Jersey, Gloucester County, Law Division, 1 North Broad Street, Woodbury, NJ 08096.



Dated: July 1, 2016

NATHAN M. BUCHTER
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Attorneys for Defendants